

REMARKS

Claims 27, 29-46 and 48-52 are pending in the application.

Claims 27, 29-46 and 48-52 are rejected.

Claims 27, 40 and 46 are amended.

Reconsideration and allowance of claims 27, 29-46 and 48-52 is respectfully requested in view of the following:

Responses to Rejections to Claims – 35 U.S.C. §102

Claims 27-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Michael Charles Raley (U.S. Patent No. 7,03,199) (Raley hereinafter). This rejection is not applicable to the amended claims.

The USPTO provides MPEP §2131 that: “To anticipate a claim, the reference must teach every element of the claim.”

Therefore, to support these rejections with respect to the claims, Raley must contain all of the above-claimed elements. However, this patent does not disclose all limitations of any rejected claim.

Claim 27 includes, in part, “wherein the thin media client comprises an input/output (IO) device coupled to the personal computer.” The Office Action identifies software running on the client computer 130 of Raley as corresponding to a thin media client. Applicants respectfully traverse this assertion. Raley does not teach wherein the thin media client comprises an input/output (IO) device coupled to the personal computer. Instead, Raley teaches, at best, a web browser for viewing unencrypted content on a personal computer. According to Raley, “[t]he requested document 222 is then retrieved and delivered to connection module 236 which unencrypts document 222, if encrypted on server 220, and delivers the document in unencrypted form to the new instance of the rendering engine of browser 232 along with the set of rights associated with the document,” and “[t]he content of the document is now viewable in a window of browser 232 as any other Web page would be.” col. 9, lines 23-38. Accordingly, Raley does not teach all the limitations of claim 27. As a result, Applicants respectfully request that the Examiner withdraw the rejection and allow claim 27.

Independent claims 40 and 46 recite features similar to those described for claim 27 and for at least these reasons, also should be indicated as allowable. Accordingly, the rejections based on 35 U.S.C. 102(b) cannot be supported by Raley as applied to claims 27, 40 and 46, and those that depend therefrom.

Responses to Rejections to Claims – 35 U.S.C. §103

Claims 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raley in view of John C. Platt (U.S. Patent No. 6,987,221) (Platt hereinafter). This rejection is not applicable to the amended claims.

As the PTO recognizes in MPEP §2142:

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

The USPTO clearly cannot establish a *prima facie* case of obviousness in connection with the amended claims for the following reasons:

35 U.S.C. §103(a) provides that:

[a] patent may not be obtained...if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.... (emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, the references, alone, or in any combination, do not teach all the limitations of any rejected claim.

As discussed above, Raley fails to teach key limitations of claim 40, from which claims 42-45 depend. Platt does not remedy these deficiencies. Platt is relied on for teaching that an analogous auto playlist generation with multiple seed songs, which allows a user to create a playlist of stored organized digital media content, that the organization functions allow a user to manage a favorites list of organized digital media content, that the organization functions allow a user to manage the amount of organized digital media stored on the computer system, and the organization functions allow a user to select digital media content to be retrieve, and those teachings would not be sufficient to overcome the deficiencies discussed above. For at least these reasons, the USPTO's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to claims 42-45, which depend from an allowable claim.

Therefore, it is impossible to render the subject matter of the claims as a whole obvious based on a single reference or any combination of the references, and the above explicit terms of the statute cannot be met. As a result, the USPTO's burden of factually supporting a *prima*

facie case of obviousness clearly cannot be met with respect to the claims, and a rejection under 35 U.S.C. §103(a) is not applicable.

Therefore, independent claims 27, 40 and 46, and their respective dependent claims are submitted to be allowable.

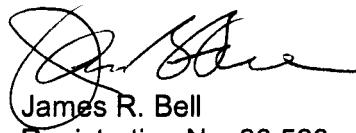
The Examiner has not made any statement specifically rejecting claim 52 and therefore claim 52 should be addressed before a final action is made.

In view of all of the above, the allowance of claims 27, 29-46 and 48-52 is respectfully requested.

The amended claims are supported by the original application.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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